

**Cumberland Township Board of Supervisors
Minutes of the May 24, 2011 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Boehs, and Engineer Tim Knoebel. Visitors present were: Don Sangirardi, Dale Molina, Carolyn Greaney, Al Ferranto, Steve Toddes, Rich Kitner, Mike Galassi, Jim Henderson, Tom Clowney, John Longanecker, Stephanie Mendenhall, Charles Skopic, Speros Marinos, Mike Jackman, Jim and Susan Paddock, Stephen Tallman, Bill and Galina Leonard, Gene Golden, Bob Signor; Attorney Christina Simpson, Ben Craddock, Harry Holt and Don Smith on behalf of St. Francis Xavier, Scot Pitzer from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was tape recorded.

Chairman Waybright led the Pledge of Allegiance.

Mrs. Underwood made a motion to approve the Minutes of the April 21, 2011 workshop and April 26, 2011 regular meeting, as presented, seconded by Mr. Phiel and carried.

Mr. Phiel made a motion to pay the bills, in the amount of \$130,861.97 from the General Fund and \$1,047.88 from the State Fund seconded by Mrs. Underwood and carried.

Chairman Waybright reported that earlier this evening the Board conducted a public hearing for Gary and Margaret Maring's application to place their property into the Township's Agricultural Security Area. **Mrs. Underwood made a motion to approve the request to add the property of Gary and Margaret Maring, 2199 Taneytown Road, into the Township's Agricultural Security Area seconded by Mrs. Golden and carried.**

Engineer's Items: Mr. Knoebel reported the following:

The Supervisors received a request from the developer of the proposed Pickett's Choice Land Development to withdraw the plan. **Mrs. Golden made a motion to accept the request to withdraw the Pickett's Choice Land Development Plan seconded Mr. Shealer and carried.**

The St. Frances Xavier Land Development has two issues; the first is the rerouting of the sidewalk around the bridge extension at Boyd's School and Table Rock Roads with the preferred location bringing the sidewalk out across from Pin Oak Lane. This change can be memorialized with an as-built plan and submitted after the project is completed, in compliance with the Developer's Agreement, by August 31, 2014. **Mr. Shealer made a motion seconded by Mr. Phiel and carried to authorize Option 1 field changes to the sidewalk location unless permitting becomes an issue then authorize Option 2 subject to review and approval by the Township's engineer and the submission of an as-built plan when the project is completed no later than August 31, 2014.**

The second St. Francis issue is the timing of the Boyd's School and Table Rock Roads intersection improvements. The Developer's Agreement requires that the improvements be completed by August 31, 2011 and due to permitting requirements with PennDOT, Columbia Gas and PA Dept. of Environmental Protection (PADEP) they are not going to be able to have the improvements finished by that date and they are requesting an additional year to complete and this will require an amendment to the Developer's Agreement. All other improvements must be completed to receive a conditional Use and Occupancy Certificate and open the school on time. He added that the Township's traffic engineer is comfortable with the use of the intersection as it exists for the next school year. Solicitor Wiser explained the changes to the Developer's Agreement and Mr. Phiel asked that the Police Department monitor the intersection. **Mr. Shealer made a motion that the revised Developer's Agreement be adopted in substantially the form it is presented seconded by Mrs. Underwood and carried.**

Public comment:

Don Sangirardi, Charles Skopic, Jim Paddock, Stephanie Mendenhall, Bob Signor and Bill Leonard spoke in support of Jim Paddock's re-appointment to the Planning Commission and asked the Board for their reasoning behind their possible decision.

Mike Jackman stated that he is very concerned about the upcoming changes to the Earned Income Tax collection process, has not been able to get anything in writing regarding this change and that the Supervisors are voting on something that the public does not have access to.

Speros Marinos asked the Board to consider expanding the Planning Commission to seven-members to allow Mr. Paddock and Mr. Tallman to serve, asked if the Township has constables and if they are for the public to use and encouraged the Supervisors to attend the next Historical Society public meeting on June 6, 2011.

Gene Golden spoke in support of Stephen Tallman for the position on the Planning Commission.

Al Ferranto spoke on behalf of himself; Dale Molina, Carolyn Greaney, John Hayes, Judy Mevini and Rebecca Makdad in support of Jim Paddock, the coming tax collection changes and for the committee meetings to work on the Zoning amendments to be public meetings.

Chairman Waybright stated that the public will be allowed to sit in on the Zoning Committee meetings to observe. Public comments will be taken during the Open House and at the Public Hearing only.

Police Report:

Police Chief Boehs presented a written and oral report of police activities for the month of April including 442 complaints, 37 combined arrests, 45 traffic stops, 8 traffic accidents and 10,465 patrol miles. He added that they assisted other agencies 8 times and they were assisted 7 times. Chief Boehs reported that they are still having a spike in domestic violence and assaults.

Active Business:

Solicitor Wisner reported that he has reviewed the Belmont Road Bridge Reimbursement Agreement and it has been revised by the County. He added that the Township's share will be approximately \$31,000.00. He added that the Commissioners will adopt the agreement at their meeting tomorrow. **Mr. Phiel made a motion to accept the Reimbursement Agreement with the County of Adams for the Belmont Road Bridge project seconded by Mrs. Golden and carried.**

Mr. Thomas reported that the following residents have expressed an interest to again serve on the Township's Park and Recreation Committee: Dewaine Finkenbinder, David Waybright, Tom Beauchat, James Paddock and Steve Toddes and we are waiting for acceptance for the advisory positions from Chuck Reid and Sarah Weigle. The committee has four missions to complete and he suggested that they appoint a Chairperson, Vice Chair and Secretary and that Minutes of the meetings be kept. **Mr. Phiel made a motion to re-activate the Park and Recreation Committee with the afore-mentioned members seconded by Mrs. Underwood and carried.**

Solicitor Wisner reported that Resolution 2011-13 affirms the Worker's Compensation coverage for volunteer firefighters during non-emergency fire service activities. **Mrs. Underwood made a motion to adopt Resolution 2011-13 Worker's Compensation Coverage for Volunteer Fire Service Activities seconded by Mr. Phiel and carried.**

Mr. Thomas reported that neither he nor Mr. Jackman got a response back from the Adams County Tax

Collection Committee for the additional information requested on the options regarding the collection of the Earned Income and Local Services taxes. He stated that only Option #3 was fully explained and was recommended by the Tax Collection Committee and a decision is needed by June 1, 2011. Mr. Thomas highlighted Option #1 the Tax Collection Committee remains as they are and there will be an appointment by the York Adams Tax Bureau from the three separate entities and Option #2 the Tax Collection Committee takes the vendor approach with the York Adams Tax Board. Option #3 is the joint tax collection approach the Adams County Tax Collection Committee delegates replace the York Adams Tax Bureau Board of Directors. Mr. Thomas recommended that the Board agree with Option #3 conceptually and ask for the opportunity to review the proposed By-Laws and proposed Agreement with the Tax Collection entity. **Mr. Shealer made a motion to conceptually go with Option #3 pending the receipt and review of the proposed By-Laws and Agreement seconded by Mr. Phiel and carried.**

Chairman Waybright stated that there is vacancy on the Planning Commission and the term for this position expires on December 31, 2014. **Mr. Shealer made a motion to appoint Stephen Tallman to the vacant term on the Planning Commission expiring December 31, 2014. Mr. Shealer added that he feels that Mr. Tallman brings experience from previous service on a Planning Commission and Borough Council and brings no perception of a conflict of interest on past, present or future projects. The motion was seconded by Mrs. Underwood and carried.**

New Business:

There was no new business on the agenda.

Reports:

Mr. Thomas reported that the staff has begun to review the current employee benefits and are requesting approval to seek out brokers to move forward with obtaining quotes for all aspects of the insurances. **Mrs. Golden made a motion to approve the Manager and staff to look at two brokers and select one on behalf of the Township's employee benefit package seconded by Mr. Shealer and carried.** Mr. Thomas added that we will include a representative of the Uniformed and Non-uniformed employees involved in the recommendation coming back to the Board.

The Zoning Officer and Assistant Secretary's reports were reviewed.

Solicitor:

Solicitor Wisner reported that the Board has approved an agreement with Herr's Ridge, Inc. regarding the process of them obtaining an exemption from the Pennsylvania Liquor Control Board's enforcement of their noise regulations and opting for the Township to enforce their Noise Ordinance locally. A resolution is required to be submitted along with the petition and the resolution confirms that the Township does have a Noise Ordinance in place, that it is able to enforce it and that the Township supports the petition. **Mr. Shealer made a motion to adopt Resolution 2011-14 confirming the Township's support of the Petition regarding Herr's Ridge, Inc., seconded by Mr. Phiel and carried.**

At 9:15 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss current litigation with no report to follow.

Carol A. Merryman, Asst. Secretary

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